

ORDERED.

Dated: December 03, 2021


Caryl E. Delano
Chief United States Bankruptcy Judge

UNITED STATES BANKRUPTCY COURT
MIDDLE DISTRICT OF FLORIDA
FORT MYERS DIVISION
www.flmb.uscourts.gov

In re:

Case No. 2:18-bk-05041-FMD
Chapter 13

Silvia Nunez

Debtor.
_____ /

**ORDER GRANTING TRUSTEE'S ORE TENUS MOTION TO MODIFY
CONFIRMED PLAN TO PAY 2020 TAX REFUND THROUGH THE PLAN**

THIS CASE came on for a hearing on November 4, 2021 pursuant to Trustee's Ore Tenus Motion to Modify Confirmed Plan to Pay 2020 Tax Refund through the Plan (Doc. No. 67). Accordingly it is

ORDERED:

1. The Trustee's Ore Tenus Motion to Modify Confirmed Plan to Pay 2020 Tax Refund through the Plan (Doc. No. 67) is hereby **GRANTED** to the extent provided herein.

2. Page 6 paragraph 30 of the Order Confirming Plan (Doc. No. 52) entered on June 25, 2019 is hereby stricken and the following is substituted in lieu thereof:

Unless otherwise consented to in writing by the Chapter 13 Trustee or subsequently ordered by the Court, in addition to the aforementioned monies, the Debtor must commit all

tax refunds, beginning with tax year 2018 (**Debtor may retain 2019 tax refund; Debtor's 2020 tax refund will be paid through the plan with an increase in plan payments starting with December 2021**) to the Plan each year during the applicable plan period. Said refunds must immediately (upon receipt of) be turned over to the Chapter 13 Trustee, in a certified check or money order (Debtor should not sign their IRS Refund Check and send it to the Trustee. All money sent to the Trustee needs to be in the form of a certified check or money order) made payable to Jon M. Waage, Chapter 13 Trustee, with complete information as to what tax year the refund represents and sent to our payment address, at PO Box 260, Memphis TN 38101-0260. Additionally, the Debtor must provide complete copies of all tax returns to the Trustee's office no later than April 15th of each year for the preceding year's taxes.

3. Pages 9 and 10 of the Order Confirming Plan (Doc. No. 52) as to Exhibit "A" entered on June 25, 2019 is hereby stricken and the following is substituted in lieu thereof:

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EXHIBIT A

TOTAL MONTHLY AMOUNT TO BE PAID TO THE CHAPTER 13 TRUSTEE:

Starting	07/19/18	\$220.00	for 9 Months
	04/19/19	\$537.00	for 2 Months
	06/19/19	\$538.00	for 30 Months
	12/19/21	\$891.00	for 19 Months

Total Plan Length 60 Months

Unless otherwise consented to in writing by the Chapter 13 Trustee or by subsequent court order, in addition to the plan payments set forth above, the Debtor shall turn over to the Trustee all tax refunds

beginning with the tax year 2018 (**Debtor may retain 2019 tax refund; Debtor's 2020 tax refund will be paid through the plan with an increase in plan payments starting with December 2021**) and each tax year thereafter during the term of the Plan. Said refunds must immediately (upon receipt of) be turned over to the Chapter 13 Trustee, in a certified check or money order (Debtor should not sign their IRS Refund Check and send it to the Trustee. All money sent to the Trustee needs to be in the form of a certified check or money order) made payable to Jon M. Waage, Chapter 13 Trustee, with complete information as to what tax year the refund represents and sent to our payment address, at PO Box 260, Memphis TN 38101-0260. Additionally, the Debtor must provide complete copies of all tax returns to the Trustee's office no later than April 15th of each year for the preceding year's taxes.

The NONSTANDARD PROVISIONS paragraph E of the Debtor's Plan shall be stricken.

The claim of Suncoast Credit Union (Claim No. 8-1) is specifically not dealt with nor affected by the Plan as confirmed and shall be paid by Debtor, directly to said creditor, outside the confirmed plan.

CLAIM # ALLOWED CLAIM FOR ATTORNEY FEES:

N/A Luis F. Navarro, Esquire \$ 1,600.00 Total
 (\$4,313.00 - \$2,713.00 = \$1,600.00 through the plan)

ALLOWED SECURED CLAIM(S) RECEIVING MONTHLY ADEQUATE PROTECTION PAYMENTS:

9-1 Suncoast Credit Union (\$121.00 x 9)(\$405.00 x 51) \$ 405.00 Monthly

MINIMUM DISTRIBUTION ON ALLOWED GENERAL UNSECURED CLAIM(S)
\$ 7,353.00 Total

The following unsecured claims are allowed:

<u>1-1</u>	SunTrust Bank	\$ <u>133,788.80</u>
<u>3-2</u>	Capital One Bank	\$ <u>6,181.07</u>
<u>6-1</u>	Portfolio Recovery/Rooms to Go	\$ <u>4,700.38</u>
<u>7-1</u>	Portfolio Recovery/Sears	\$ <u>4,712.33</u>

ORDER OF DISTRIBUTION:

1. Adequate protection over life of plan or until creditor is paid in full and allowed Attorney's Fees and Administrative Expenses
2. Secured Balance plus interest over the life of the plan or as otherwise specified.
3. Domestic Support Obligations under \$500.00
4. Small Secured creditors-Under \$500.00 in balance.
5. Domestic Support Obligations over \$500.00
6. Arrearages
7. Other Priority Creditors and Pro-Rata Distribution to Unsecured Creditors

OTHER CLAIMS:

The following claims are hereby allowed, however, the Trustee shall not make any distribution upon such claims:

8-1 Suncoast Credit Union

Additional Disclosure:

2-1 SunTrust Bank – Claim withdrawn 8/16/18

4-1 Becket & Lee/American Express Nat'l – Claim withdrawn 7/31/18

5-1 Becket & Lee/American Express Nat'l – Claim withdrawn 7/31/18

4. This Court's Order Confirming Plan (Doc. No. 52) entered on June 25,

2019 is modified to the extent provided herein and shall in all other respects remain in full force and effect.

Trustee, Jon M. Waage, is directed to serve a copy of this order on interested parties who do not receive service by CM/ECF and file a proof of service within 3 days of entry of the order.

JMW/MEC/ss

C13T 11/23/21